

## CHAPTER 324

## (House Bill 915)

AN ACT concerning

**Commercial Law - Electronic Mail - ~~Prohibitions~~ Unauthorized, False, or Misleading Information**

FOR the purpose of prohibiting a person from initiating or conspiring with another person to initiate, or assisting in the transmission of certain commercial electronic mail under certain circumstances; prohibiting a person from assisting another person in transmitting a commercial electronic mail message under certain circumstances that is from a certain computer or is sent to a certain electronic mail address and that contains unauthorized, misleading, or false information; specifying a certain presumption; authorizing an interactive computer service provider to block certain commercial electronic mail in a certain manner; prohibiting a certain interactive computer service provider from being held liable for certain actions; specifying the scope for certain provisions; providing that a person who violates this Act is liable to certain persons for attorney's fees and certain damages; defining a certain term terms; and generally relating to the transmission of commercial electronic mail.

BY adding to

Article - Commercial Law

Section ~~13-310~~ 14-2901, 14-2902, and 14-2903 to be under the new subtitle "Subtitle 29. Commercial Electronic Mail"

Annotated Code of Maryland

(2000 Replacement Volume and 2001 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - Commercial Law**

SUBTITLE 29. COMMERCIAL ELECTRONIC MAIL.

~~13-310.~~ 14-2901.

(A) IN THIS SECTION, "COMMERCIAL ELECTRONIC MAIL MESSAGE" MEANS A COMMUNICATION SENT OR RECEIVED ELECTRONICALLY OVER A COMPUTER NETWORK ALLEGING TO ADVERTISE A GOOD OR SERVICE SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) "COMMERCIAL ELECTRONIC MAIL" MEANS ELECTRONIC MAIL THAT ADVERTISES REAL PROPERTY, GOODS, OR SERVICES FOR SALE OR LEASE.

(2) "COMMERCIAL ELECTRONIC MAIL" DOES NOT INCLUDE ELECTRONIC MAIL TO WHICH AN INTERACTIVE COMPUTER SERVICE PROVIDER HAS ATTACHED AN ADVERTISEMENT IN EXCHANGE FOR FREE USE OF AN ELECTRONIC MAIL ACCOUNT.